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FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

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RECEIVED

Betty Klak, President Forest Lake Club 6355 Spring Lake Circle Zephyrhills, FL 33540

MAR 1 1 1993

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Dear Ms. Klak:

Congressman Michael Bilirakis has asked me to respond to your letter in which you and other residents of the Forest Lake Estates complain about rate increases by your local cable television operator.

The Commission has a clear understanding that Congress adopted the Cable Act of 1992 to constrain unreasonable cable rates. The Commission is in the process of formulating rules implementing the rate provisions of the law and is seeking public comment on those provisions that address rate rollbacks, refunds, and evasions of statutory requirements. The Commission will attempt to implement these provisions faithfully, and will consider the conduct of the cable industry during the interim period in deciding what kind of regulation is needed.

Your comments will be placed in the record of this proceeding so that the Commission can be mindful of your concerns during its deliberations. I trust that the foregoing and the enclosures are informative.

Sincerely,

Rov J. Stewart

Chief, Mass Media Bureau

Enclosures

No. of Copies rec' List A B C D E

FOREST LAKE CLUB

6355 SPPING LAKE CIRCLE ZEPHYRHILLS FLORIDA 33540

JAN 1 1 1992 1993

Congressman Michael Bilirakis Tenth Congressional District 2739 U. S. Highway 19 Suite 110 Holiday, Florida 34691

Dear Mr. Bilirakis:

As a representative of all of those residents who signed the enclosed petition, I would like to draw your attention to the facts surrounding the reason for the petition.

Since 1990 our park was served by Telesat Communications with 52 channel cable T.V. This past October the FSN Cablevision bought or merged with Telesat. Since that time, our rates have risen dramatically. As evidenced in our petition, the cost of basic cable T.V. has jumped from a modest \$13.03 per month to \$32.40. A lot of the increase is because in the original agreement with Telesat, the additional lines and converter boxes were included in the monthly charge. If you will peruse the copy of the enclosed sample billing for January, you will note the current charges.

We feel that a modest increase would have been acceptable, but do not feel that we should have to accept this dramatic rise without voicing a protest. We would appreciate it if you would review this situation, and respond to our petition.

Sincerely yours,

FOREST LAKE CLUB

Betty Klak President

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Forest Lake Dr.

TO: THE PASCO COUNTY COMMISSION AND CARL LITTLEFIELD, STATE REP.

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THE UNDERSIGNED, RESIDENTS OF FOREST LAKE ESTATES, WOULD LIKE THE COMMISSION TO REVIEW THE INCREASE IN RATES PASSED THROUGH TO OUR RESIDENTS BY THE FSN CABLE NETWORK. WE FEEL THAT THE INCREASE COST OF BASIC WITH ONE REMOTE CONTROL AND ONE ADDITIONAL OUTLET OF \$32.40 REPRESENTS A 255% INCREASE OVER OUR PRESENT COST OF \$13.03. WE ALSO FEEL THAT THE RECONNECT SERVICE CHARGE OF \$24.95 IMPOSED ON OUR WINTER RESIDENTS IS UNACCEPTABLE.

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### RATES (or, Your Cable Bill)

The rates charged for cable service are not subject to governmental regulation except in areas lacking "effective competition" to cable service. The availability in the cabled community of six unduplicated broadcast television signals over the air is deemed to be "effective competition" for purposes of the Cable Act. Alternatively, "effective competition" will be deemed to exist if a competing multichannel delivery system (such as a second cable service, satellite dishes, or multipoint distribution system) has achieved certain levels of availability and penetration in the particular cable market. Where there is no "effective competition," cabled communities may choose to regulate the rates for cable's basic service. Fees for "premium" programming such as HBO or The Disney Channel, however, may not be regulated.

PROGRAMMING (or, Who to Complain to When You Don't Like What You See, or Don't See What You Like)

Neither federal nor local authorities may censor what cable operators transmit to their subscribers. Obscenity, on the other hand, is not constitutionally protected. Federal law (as well as many state and local laws) provides a criminal penalty for cablecasting obscene programming. But since one of the essential elements of "obscenity" involves the application of local community standards, such a determination is most appropriately made by a local jury in a court proceeding, not by the FCC. A subscriber may complain to the cable company and local law enforcement officials, or simply keep selected programming out of his or her home with a "lockbox," which the Cable Act requires cable operators to sell or lease to interested customers.

Another limitation on cable operators' programming decisions stems from the right of local authorities to insist on receiving certain broad categories of programming as promised in their cable franchise agreements. In addition, private contractual agreements involving sports teams or other program owners may affect the ability of a cable operator to carry certain live sports events in its community, since cable systems, along with broadcast stations, must honor appropriate blackout requests. Local broadcast stations may also choose to protect their legitimate exclusivity rights in certain programming by preventing the cable operator from carrying that programming as broadcast by distant stations.

Attempts by the FCC to require that cable operators carry a minimum number of local broadcast stations, including noncommercial stations, have been held by the courts to be unconstitutional. Accordingly, we no longer regulate what broadcast stations a cable operator must carry on its basic tier of service. Nor do we dictate what channels are to be used for particular program services.